

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U 338-E) for Approval of a Power Purchase Agreement Between the Utility and an Affiliate and for Authority to Recover the Costs of Such Power Purchase Agreement in Rates.

Application 05-12-030
(Filed December 23, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING ADDRESSING
THE UTILITY REFORM NETWORK'S AND AGLET CONSUMER
ALLIANCE'S NOTICES OF INTENT TO CLAIM COMPENSATION**

On April 10, 2006, Notices of Intent to Claim Compensation (NOIs) were filed by The Utility Reform Network (TURN) and Aglet Consumer Alliance (Aglet). No responses to these NOIs have been received.

This ruling finds TURN and Aglet eligible to claim compensation.

A. Background

The Commission's "Intervenor Compensation Program Guide," dated January 2004, identifies the items that must be included in and provides a template for an NOI.¹ The necessary items are:

1. Summary information,
2. Statement of timely filing,

¹ For NOIs, see pp. 3-7 and pp. 14-16 of the Program Guide, which may be accessed via the following internet link:
<http://www.cpuc.ca.gov/PUBLISHED/REPORT/33691.HTM>.

3. Statement of consumer status,
4. Explanation of significant financial hardship,²
5. Description of the nature and extent of planned participation,
6. Itemized estimate of costs of participation, and
7. Conclusion.

B. Discussion

1. Timely Filing

Under Section 1804(a)(1),³ “[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation.”

The prehearing conference in this proceeding occurred on March 10, 2006. Therefore, TURN’s and Aglet’s NOIs are deemed as timely filed.

2. Customer Status⁴

TURN explains that it is a consumer advocacy organization with a long history of representing the interests of residential and small commercial customers of California’s utilities before the Commission. TURN’s articles of

² Alternatively, this showing may be deferred to the request for an award of compensation.

³ All references are to the Public Utilities Code unless otherwise noted.

⁴ Pub. Util. Code § 1802(b) defines “customer” in three ways: Category 1 applies to a participant representing consumers; Category 2 applies to a representative authorized by a customer; and Category 3 applies to a representative of a group or organization that is authorized by its articles or bylaws to represent the interest of residential customers.

incorporation specifically authorize its representation of the interests of residential customers.⁵

TURN meets the third category of a customer, as set forth in Section 1802(b)(1)(C).

Aglet states it is an unincorporated nonprofit corporation, and is authorized pursuant to its articles of organization and bylaws to represent and advocate the interests of residential and small commercial customers of electrical, gas, water and telephone utilities in California. Aglet provided copies of its articles and bylaws in an NOI in Application (A.) 99-03-014, and states there have been no changes to its articles and bylaws since that filing.

Aglet meets the third category of a customer, as set forth in Section 1802(b)(1)(C).

Decision 98-04-059 directs groups such as TURN and Aglet to indicate the percentage of their members that are residential customers. In response, Aglet indicates about 30% of its members are residential customers. TURN states that a vast majority of its estimated 20,000 members are residential customers, although, it is unable to provide a precise percentage.

3. Significant Financial Hardship

Section 1804(b)(1), which states in part that:

A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other Commission proceedings commencing within one year of the date of that finding.

⁵ TURN states that it has previously provided its articles of incorporation in A.98-02-017 and A.99-12-024, and that these articles of incorporation have not changed since the time of those submissions.

TURN received a finding of significant financial hardship in an Administrative Law Judge (ALJ) ruling dated November 4, 2005 in A.05-02-027. As this proceeding commenced within one year of the date of the finding in A.05-02-027, TURN qualifies through the rebuttable presumption created in A.05-02-027.

Aglet received a finding of significant financial hardship in an ALJ ruling dated November 15, 2005 in A. 05-06-006 *et al.* As this proceeding commenced within one year of the date of the finding in A.05-06-006 *et al.*, Aglet qualifies through the rebuttable presumption created in A.05-06-006 *et al.*

4. Nature and Extent of Planned Participation

TURN filed a response to Southern California Edison Company's (SCE) motion for protective order, and submitted a response to the application. TURN states it was an active and constructive participant in the mediation process and is one of the parties to the settlement agreement submitted on April 5, 2006. TURN also indicates it will continue to be involved in the preparation of comments or other activities until the Commission acts on the settlement agreement.

Aglet served testimony, and states it participated in the mediation process and joined in the settlement agreement. Aglet states it has focused its efforts on the costs and benefits of the Kern River Cogeneration Company contract, as well as addressing any conflicts of interest in future contracts between SCE and its affiliates. Aglet also notes that as its participation is similar to the participation of both TURN and the Division of Ratepayer Advocates, Aglet has conferred with these parties in an effort to minimize potential duplication of effort.

5. Itemized Estimate of Compensation

TURN estimates a total projected budget of \$20,000 for this proceeding.
The estimate is as follows:

Description	Amount
Fees - Michael Florio, 25 hours @ \$495 per hour	\$12,375
Fees - Robert Finkelstein, 10 hours @ \$425 per hour	4,250
Fees - Kevin Woodruff, 10 hours @ \$250 per hour	2,500
Expenses	<u>875</u>
Total Estimated Cost of Participation	\$20,000

Aglet estimates a total projected budget of \$ 34,410 for this proceeding.
The estimate is as follows:

Description	Amount
Fees - James Weil, 36 hours @ \$250 per hour	\$9,000
Fees - James Weil, (compensation related) 10 hours @ \$125 per hour	1,250
Fees - Jan Reid, 114 hours @ \$200 per hour	22,800
Fees - Jan Reid, (compensation related) 2 hours @ \$100 per hour	200
Travel Time - James Weil, 4 hours @ \$125 per hour	500
Travel Time - Jan Reid, 4 hours @ \$100 per hour	400
Expenses (various)	<u>260</u>
Total Estimated Cost of Participation	\$34,410

TURN and Aglet satisfactorily present an itemized estimate of the compensation they expect to request. TURN and Aglet must fully support their respective requests for compensation, including the reasonableness of the hours spent and hourly rates.

No facts are presented here, or otherwise known, that would suggest a different conclusion regarding the eligibility of each intervenor for purposes of intervenor compensation.

IT IS RULED that:

1. The Utility Reform Network (TURN) and Aglet Consumer Alliance (Aglet) each:

- a. is a customer for purposes of intervenor compensation (Category 3),
- b. presented a satisfactory (i) statement of the nature and extent of its planned participation, and (ii) itemization of an estimate of compensation it expects to request, and
- c. has established by unrebutted presumption that its participation without an award of intervenor compensation would pose a significant financial hardship.

2. The reasonableness of the hourly rates for personnel services stated in each Notice of Intent to Claim Compensation shall be addressed in the later request for compensation, if any, by TURN and Aglet.

3. TURN and Aglet are each eligible for an award of intervenor compensation. The exact amount of the award, if any, shall be determined based on the reasonableness of their request for award, and this ruling “in no way ensures compensation.” (Section 1804(b)(2).) The Commission may audit the records and books of TURN and Aglet to the extent necessary to verify the basis of the award. (Section 1804(d).)

Dated May 5, 2006, at San Francisco, California.

/s/ BRUCE DeBERRY

Bruce DeBerry

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Addressing The Utility Reform Network's and Aglet Consumer Alliance's Notices of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated May 5, 2006, at San Francisco, California.

/s/ ELVIRA NIZ

Elvira Niz

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074,

A.05-12-030 BMD/niz

TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.